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VIA ECF

Hon. Sarah L. Cave
United States District Court
Daniel Patrick Moynihan United States Courthouse
Southern District of New York
500 Pearl Street, Room 1670
New York, NY 10007-1312

Re: Response to Plaintiffs' Request for Extension of Time for the Parties to Complete Expert Discovery in *Flynn et al v. Cable News Network, Inc.*, No. 1:21-cv-02587-GHW-SLC (S.D.N.Y.)

Dear Magistrate Judge Cave:

We represent Cable News Network, Inc. ("CNN") in the above-captioned matter. Pursuant to this Court's Order (ECF No. 136), CNN provides the below response to Plaintiffs' request for an extension of expert discovery deadlines (ECF No. 135). As explained below, CNN has no choice but to oppose Plaintiffs' request because Plaintiffs have failed to provide the information necessary for CNN to respond otherwise. CNN remains open to reaching a mutually satisfactory resolution on this issue.

Plaintiffs' letter-motion mischaracterizes CNN's response to their request. On May 6, 2023, Plaintiffs' counsel requested an extension of expert discovery deadlines by 12 days across the board for all expert discovery-related deadlines. CNN's counsel responded, "We would like to keep things on track. What is this expert about? Let me know[.]" CNN did not take a position on Plaintiffs' requested extension in this communication. Rather, CNN requested that Plaintiffs provide the subject matter area of their expert. This information is relevant to CNN's position because the expert discovery cut off in the related Middle District of Florida cases¹ is June 23, 2023, and the dispositive motions deadline is July 15, 2023. But because the parties have agreed to use experts across the Southern District of New York and Middle District of Florida litigations Plaintiffs' proposed extension would necessarily require expert discovery to be conducted as late as just five business days prior to the Middle District of Florida dispositive motions deadline.

This is not to say that Plaintiffs' request is opposed. Certain experts may be relevant to summary judgment proceedings and others not, which is why CNN counsel inquired as to the

¹ *Valerie Flynn v. CNN*, No. 8:22-cv-00343 (M.D. Fla.); *Lori Flynn v. CNN*, No. 8:22-cv-00512 (M.D. Fla).

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subject matter of the delayed expert. It was CNN's intention to analyze the general nature of the at issue expert to determine whether it could accommodate an extension of time and avoid interference with the timely compliance with deadlines in the Middle District of Florida cases. Rather than respond, Plaintiffs filed the instant letter-motion.

Because Plaintiffs' counsel has refused to provide the nature of his expert (including in communications post-dating the letter-motion), CNN cannot ascertain whether it will need to rebut that expert. Accordingly, CNN has no option other than to oppose this request. CNN remains open, however, to discussing alternatives and appreciates the Court's guidance on this matter.

Respectfully submitted,

/s/ Katherine M. Bolger

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